

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**IN RE FIRSTENERGY CORP.  
SECURITIES LITIGATION,**

**This document relates to:**

**Civil Action 2:20-cv-3785  
Chief Judge Algenon L. Marbley  
Magistrate Judge Jolson**

**ALL ACTIONS.**

**ORDER**

This matter is before the Court on discovery disputes presented by the parties. First, Defendants Charles E. Jones and Michael Dowling request that Defendant FirstEnergy Corp. (“FirstEnergy”) appear for a second 30(b)(6) deposition, based on their representation that FirstEnergy’s corporate representative was not properly prepared to testify at the first such deposition. FirstEnergy represents it was open to a limited redeposition on specific topics, but not a “complete re-do.” The parties are at an impasse, and Jones and Dowling represent they are prepared to brief the issue. The Court **SETS** a briefing schedule on the issue as follows: Jones and Dowling’s Motion to Compel due by July 22, 2022; FirstEnergy’s response in opposition due by July 29, 2022; Jones and Dowling’s reply due by August 3, 2022.

Next, Lead Plaintiff and FirstEnergy have agreed to a second 30(b)(6) deposition. Yet, FirstEnergy disputes the extent to which its witness will testify as to certain noticed topics, claiming the information is protected by privilege. The parties are at an impasse, with Lead Plaintiff representing it is amenable to an informal discovery conference. However, it is preferable that any issues of privilege be briefed before the Court. Accordingly, should Lead Plaintiff require judicial intervention, it should file a Motion to Compel the at-issue testimony. The Court **SETS** a briefing schedule on the issue as follows: Lead Plaintiff’s Motion to Compel due by July 22, 2022;

FirstEnergy's response in opposition due by July 29, 2022; Lead Plaintiff's reply due by August 3, 2022.

IT IS SO ORDERED.

Date: July 15, 2022

/s/ Kimberly A. Jolson  
KIMBERLY A. JOLSON  
UNITED STATES MAGISTRATE JUDGE